



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Marilyn Librers, Mayor Pro Tempore	Marilyn Librers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, JANUARY 20, 2010

AGENDA

CITY COUNCIL SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council is called at 6:00 p.m. for the Purpose of Conducting City Business.

Steve Tate, Mayor

SPECIAL CITY COUNCIL

6:00 P.M.

CALL TO ORDER
(Mayor/Chair Tate)

ROLL CALL ATTENDANCE
(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(Deputy City Clerk McVay)

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action

OTHER BUSINESS:

ITEMS 1

Time Estimate

Page

- | | | |
|--|-------------------|--|
| 1. | 40 Minutes | <u>Fire Protection and Emergency Medical Services (EMS) Update Report</u> 1-4 |
| <u>Recommended Action(s):</u> | | |
| 1. <u>Receive</u> report; and | | |
| 2. <u>Continue</u> City's participation in Regional Fire/EMS study. | | |

ADJOURNMENT

**JOINT REGULAR CITY COUNCIL
AND
REDEVELOPMENT AGENCY MEETING**

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER
(Mayor/Chair Tate)

ROLL CALL ATTENDANCE
(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS
Proclaim January 2010 as National Donor Month, *Gayle Rohner, Donor Recruitment Manager*

INTRODUCTIONS

CITY COUNCIL REPORTS
Mayor Pro Tempore Librers

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

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City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action
CONSENT CALENDAR:

ITEMS 2-6 Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	
2. <u>Approval of Van Keulen Parcel Map (APN 764-37-061)</u>	5-8
<u>Recommended Action(s):</u>	
1. <u>Authorize</u> the City Clerk to sign the Parcel Map authorizing abandonment of unused public service easements; and	
2. <u>Authorize</u> the recordation of the Parcel Map.	
3. <u>Approve Resolution of the City Council of the City of Morgan Hill Rescinding all Prior Records Retention Resolutions and Adopting an Updated Retention Schedule for the Records for the City</u>	9-42
<u>Recommended Action(s): Approve</u> Resolution rescinding prior record retention Resolutions and adopting a new Records Retention Schedule	
4. <u>Approval of Resolution in Support of the California League of Cities 2009 Local Streets and Roads Assessment Report</u>	43-52
<u>Recommended Action(s): Approve</u> Resolution of support for the California League of Cities 2009 Local Streets and Roads Assessment Report.	
5. <u>Morgan Hill Tennis Club 2010 Tennis Court Rental Rates and Community Commitments</u>	53-56
<u>Recommended Action(s): Approve</u> Resolution establishing the Morgan Hill Tennis Club's 2010 tennis court rental rates and its community commitments.	
6. <u>December 2009 Financial and Investment Reports</u>	57-88
<u>Recommended Action(s): Accept</u> and file report.	

Redevelopment Agency Action
CONSENT CALENDAR:

ITEMS 7-9	
Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	
7. <u>December 2009 Financial and Investment Reports</u>	89-98
<u>Recommended Action(s): Accept</u> and file report.	

8. **Accept the 17575 Monterey Street Building Demolition Project**99-104
Recommended Action(s):
 1. **Accept** as complete the 17575 Monterey Street Building Demolition Project in the final amount of \$22,595; and
 2. **Direct** the City Clerk to file the Notice of Completion with the County Recorder's office.
9. **Award Contract for New Downtown Bench Installation** 105-108
Recommended Action(s):
 1. **Award** contract to Garrett Thompson Construction Co., for New Downtown Bench Installation in the amount of \$29,400; and
 2. **Authorize** expenditure of contract construction change order contingency funds not to exceed \$3,500.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 10-12

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

10. **Accept the ARRA Economic Stimulus Dunne Avenue Resurfacing Project**109-112
Recommended Action(s):
 1. **Accept** as complete the 2009-10 American Recovery and Reinvestment Act (ARRA) Economic Stimulus Tier I Dunne Avenue Street Resurfacing Project in the final amount of \$369,043.46; and
 2. **Direct** the City Clerk to file the Notice of Completion with the County Recorder's office.
11. **Approval of Joint Regular City Council and Redevelopment Agency Meeting Minutes for December 16, 2009**113-122
12. **Approve Agreement to Provide Geotechnical Testing Services for Construction of the Highway 101/Tennant Avenue Interchange Improvement Project**123-136
Recommended Action(s): **Authorize** the City Manager to execute a professional services agreement with Pacific Geotechnical Engineering in the amount of \$74,465 to provide geotechnical testing services during the construction of the Highway 101/Tennant Avenue Interchange Improvement Project.

Redevelopment Agency Action

PUBLIC HEARINGS:

ITEMS 13

Time Estimate

Page

13. 15 Minutes **Adopt by Resolution the Five-Year Implementation Plan for the Ojo de Agua Community Project (2010-14)**.....137-176
Recommended Action(s)
 1. **Conduct** a public hearing; and
 2. **Approve** Resolution adopting the Morgan Hill Redevelopment Agency's Five Year Implementation Plan for the Ojo De Agua Community Project (2010-14).

City Council Action

OTHER BUSINESS:

ITEMS 14-15

	Time Estimate		Page
14.	15 Minutes	<u>Skateboard/BMX Park Operations Update</u> 177-180 <u>Recommended Action(s): Accept</u> the Skateboard/BMX Park Operations update	
15.	10 Minutes	<u>An Ordinance of the City Council of the City of Morgan Hill Amending Chapter 3.24 (Transient Occupancy Tax) and Section 1.24.010 (Violations Deemed a Misdemeanor – Penalty) of the Morgan Hill Municipal Code</u> 181-192 <u>Recommended Action(s):</u> 1. <u>Waive</u> the first and second reading of the Ordinance; and 2. <u>Introduce</u> the Ordinance	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
a. City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association Employees Covered under Management Resolution #6250 AFSCME Local 101 Morgan Hill Community Service Officers Association

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to:	Government Code Section 54956.8
a. Property:	APN 779-05-044 Address: 14465 Monterey Road, Morgan Hill
Negotiating Parties:	City Manager, City Attorney, Recreation & Community Services Director
Property Owner:	William Sing and Young Kay Mock
Under Negotiation:	Price and terms of payment
b. Property:	APN 779-05-043 Address: Olive Avenue, Morgan Hill,
Negotiating Parties:	City Manager, City Attorney, Recreation & Community Services Director
Property Owner:	William Sing and Young Kay Mock
Under Negotiation:	Price and terms of payment

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- Authority: Pursuant to Government Code 54956.9(a)
- a. Case Name: Arcadia Development Company v. City of Morgan Hill
Case Number: Santa Clara County Superior Court Case No. 104-CV-020598
Attendees: City Manager, City Attorney
- b. Case Name: City of Morgan Hill v. State Water Resources Control Board, et al
Case Number: Santa Clara County Superior Court Case No. 108-CV-127858
Attendees: City Manager; City Attorney
- c. Case Name: Tichinin v. City of Morgan Hill
Case Number: California Supreme Court Case No. S177501
Attendees: City Manager, City Attorney

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- Pursuant to: Government Code Section 54956.9(c)
- a. Number of Cases: One (1)

Redevelopment Agency Action

CLOSED SESSION:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- Pursuant to: Government Code Section 54956.8
- a. Property: APN 726-14-001 Address: 95 East Third Street, Morgan Hill
Negotiating Parties: Executive Director, Agency Counsel, Assistant to the City Manager
Property Owner: Llagas Valley Investments LLC
Under Negotiation: Price and terms of payment

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior

to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.